

12. **ISSUE: Re: MACE: HENDERSHOTT'S MISMANAGEMENT AND
POLITICALLY MOTIVATED INVESTIGATIONS – SUBJECT: HENDERSHOTT
(Munnell Memo p. 29)**

Chief Deputy David Hendershott

H7A. Allegedly, Chief Deputy David Hendershott directed the MACE Unit to conduct investigations based on political considerations, rather than legitimate enforcement of the law. Further, Hendershott became preoccupied with and mismanaged MACE, interfered with and micromanaged investigative activities, and compelled MACE investigators to engage in activities with which they professionally disagreed due to ethical, legal or other considerations.

MUNNELL'S WRITTEN ACCOUNT

MACE: Hendershott's mismanagement and politically motivated investigations

"There is no crueler tyranny than that which is exercised under cover of law, and with the colors of justice." U.S. V Jannotti 1982

Since the MACE investigative unit was established, it has been the pattern and practice of this unit to conduct politically motivated investigations at the implicit direction of Hendershott. In the very short time that the unit has been in existence, it has suffered from poor morale, high turnover of personnel and command staff due to the intense pressure, micromanagement, and the unethical conduct of David Hendershott.

It is a frustration of the personnel associated with the MACE Unit that Hendershott's continual interference and constant pressure to rush investigations is the reason that recent high profile criminal cases were ultimately dismissed or pled down to lesser charges. Over the past years or so, nine (9) different command Officers have been assigned and subsequently removed from supervising the Unit, with has resulted in absolutely no continuity to ensure consistency and quality investigations.

A non-inclusive list of the personnel previously assigned as Commanders, removed from, or declined an offer to supervise this specialized unit include: Lieutenant Bruce Tucker, Lieutenant Travis Anglin, Lieutenant Rich Burden, Lieutenant Fred Aldorasi, Lieutenant Steve Bailey, Captain James Miller, Captain Ken Holmes, Deputy Chief Bill Knight, and Executive Chief Scott Freeman. The primary reason for such an extensive list of personnel movements in such a short time for a specialty Unit is Hendershott's impatience and irritation with Commanders who do not agree with his motives or methods.

Another reason for this serious turnover problem is the intense pressure, continual interference, and absolute political nature of the investigations initiated by Hendershott. The most blatant abuse of power by Hendershott was the March 2009 removal from the MACE Unit of several Detectives and Commanders. Sergeant Jeff Gentry, Lieutenant Rich Burden, Deputy Chief Bill Knight, and Chief Scott Freeman were removed from their supervisory position over the MACE Unit for refusing to write an illegal search warrant ordered by Hendershott to be served on several members of the Maricopa County Board of Supervisors.

WITNESSES LISTED BY MUNNELL

Lt. Travis Anglin	Former MACE Commander Good case knowledge.
Lt. Bruce Tucker (retired)	Former MACE Commander (retired over MACE)
Lt. Rich Burden	Former MACE Commander (Aubuchon meeting)
Lt. Steve Bailey	Refused Commander position, met w/DH about cases.
Lt. Fred Aldorasi	Former MACE Commander (in position about a week)
Captain Jim Miller (retired)	Commander over IA and retired over MACE assignment.
Deputy Chief Bill Knight	Removed after Aubuchon meeting, has other case info.
Deputy Chief Terry Young	MACE Commander during Stapley case.
Deputy Chief Don Schneidmiller	Spoke with Chief Young reference Stapley re-arrest.
Executive Chief Scott Freeman	Removed from overseeing MACE after Aubuchon meet.
Sergeant Jeff Gentry	Removed from MACE after Aubuchon meeting.
Sergeant Rich Johnson	MACE supervisor at Aubuchon meeting.
Sergeant Brandon Luth	MACE supervisor at Aubuchon meeting.
Analyst Beverly Owens	Attended Aubuchon meeting.
Detective John Kelly	MACE Detective did not agree with mission/methods.
Detective Casey Rodamacher	MACE Detective did not agree with mission/methods.

NARRATIVE SUMMARY

Munnell alleged that there was considerable turnover in this department because Hendershott ordered rush investigations on high profile cases, which were ultimately dismissed or pled down to lesser charges. The turnover was also attributed to "intense pressure, continual interference and absolute political nature of the investigations" attributed to Hendershott. Munnell also alleged that Hendershott removed several Detectives and Commanders from the MACE Unit after they refused to write an illegal search warrant ordered by Hendershott to be served on several members of the Maricopa County Board of Supervisors (Sgt. Jeff Gentry, Lt. Rich Burden, DC Bill Knight and Chief Scot Freeman).

Munnell provided a non-inclusive list of personnel previously assigned as Commanders of the MACE Unit along with those who were removed from or declined an offer to supervise the specialized unit; Lt. Bruce Tucker, Lt. Travis Anglin, Lt. Rich Burden, Lt. Fred Aldorasi, Lt. Steve Bailey, Cpt. James Miller, Cpt. Ken Holmes, DC Bill Knight and Executive Chief Scott Freeman.

WITNESS ACCOUNTS

Frank Munnell

Munnell's information relating to MACE is almost exclusively hearsay. His sources for information include, but are not limited to, Rich Burden, Bruce Tucker, Jim Miller, and a host of others. Munnell's account as to what transpired in MACE, from a general standpoint, is set forth in pp. 47-53, Exhibit II 28b.

1
2 Munnell was asked whether, to his knowledge, Sheriff Arpaio had any knowledge of the
3 manner in which Hendershott was running MACE. Munnell did not believe that this was
4 the case, but he recommended speaking with the MACE investigators or others.
5 Munnell discusses this in detail on pp. 57-58 of Exhibit II 28b.

6
7 **Rich Johnson**

8
9 According to Sgt. Johnson, MACE cases were primarily ("95-99% of the time") directed
10 by Chief Hendershott and a member of the County Attorney's Office. Prior to spring
11 2008, the County Attorneys working with MACE were Sally Wells, Tony Novitsky and
12 Vicki Kratovil; a team already in place when Johnson joined MACE. After spring 2008,
13 Lisa Aubuchon was the CAO working with MACE, as were Gina Godbehare and Mark
14 Goldman, a private attorney and deputized Prosecutor, who acted as somewhat of an
15 advisor to Aubuchon. According to Sgt. Johnson, Chief Hendershott was the case
16 agent on virtually each and every MACE investigation, insofar as he mapped out the
17 course of investigation, indicated what search warrants and surveillance he wanted
18 conducted, and otherwise directed the investigations.

19
20 Sgt. Johnson said that when he was in MACE, he did not have the perception that the
21 activities of MACE were at least to a degree politically motivated, but he said that his
22 perception now has changed.

23
24 Q: Let me ask you another broad question. And this really has to do with
25 Frank Munnell's perception as set forth in the memo, that the activities of MACE
26 were at least to a degree politically motivated. Do you believe that there's any
27 credence to that assertion?

28
29 A: At the time, absolutely not. Am I feeling that now? Yes.

30
31 Q: Alright. What has caused your perception about that to change?

32
33 A: Learning a lot more information than I knew at the time of the
34 investigations that were going on.

35
36 Q: And what is it that you have learned that has changed your mind?

37
38 A: I don't know about changed my mind but, learned that there was a whole
39 lot of other things going on behind the scenes with Chief Hendershott and Lisa
40 [Aubuchon]. You know, a lot of times we would get asked to do something, not
41 asked, but we would get told to do something. And it would be, you know, just
42 go interview White. And at the time it sounds reasonable and prudent and the
43 whole bit. But looking back and having other investigators that have talked to
44 me, and they'll fill me in on other perceptions of it and more broad spectrum. I
45 don't know. (p. 27, Exhibit II20)

1
2 Johnson said that the MACE investigation of the Board of Supervisors was a prime
3 example of how some of the Hendershott/Aubuchon MACE investigations were
4 politically motivated. He went on to explain that Lisa Aubuchon would also give direct
5 instructions to the MACE team to complete tasks, which Johnson felt were
6 inappropriate.

7
8 Q: So, there would be instances where Lisa would give you directions about
9 what to do in terms of investigation?

10
11 A: Absolutely.

12
13 Q: Okay. And you told her that that wasn't an appropriate thing, or....

14
15 A: We don't want to do it. Not appropriate. It's not in what we would see as
16 our method of investigation. You know, what steps we wanted to take. A prime
17 example, just so you understand the example?

18
19 Q: Sure. That'd help.

20
21 A: Would be, with the Mary Rose. Mary Rose Wilcox case. The case agent
22 at that time, which wasn't I, but the case agent at the time had asked for some
23 subpoenas on a couple things to verify whether or not loans were personal or
24 business. One in particular had to do with a subpoena to Chicanos Por La Causa.
25 We had asked, I think it was Yavapai for those subpoenas, or whatever happened
26 we never get subpoenas from them, you know, from Yavapai County. When Lisa
27 took that case back over we said here are the subpoena requests and here's why
28 we want them. And she issued some but would never issue that Chicanos Por La
29 Causa subpoena. And it was to verify the loan documents that Mrs. Wilcox
30 would have received from Chicanos Por La Causa, the lending arm of, I think was
31 calls Prestombos or Campo (phonetic), something like that. That's what the
32 subpoena was for, to finish up that case. And the case agent would be a good one
33 to talk to, but he was very frustrated that he couldn't get that subpoena to show
34 those documents prior to the Grand jury that he went and testified at. (p. 30,
35 Exhibit II20)

36
37 Jonathan Halverson was the case agent of that investigation, and at the time expressed
38 to Aubuchon that they were not ready to go to the Grand jury, but Aubuchon said that
39 they were moving forward without serving the subpoena on Chicanos Por La Causa.

40
41 Sgt. Johnson explained that at times, the Detectives in MACE would be given isolated
42 investigative tasks to complete. Hendershott, and sometimes Lisa Aubuchon, would
43 have the Sergeants assign, for example, just interviews in the bug sweeping case to the
44 MACE Detectives, but they would not be assigned any other portion of the investigation.
45 Sometimes the Detectives would have recommendations about how to go about the

1 investigation, but Hendershott would always have a way of convincing them to do it his
2 way. Sgt. Johnson opined that the level of Hendershott's involvement in the MACE
3 investigations, as second in command at the Sheriff's Office, was out of the norm, but
4 Sgt. Johnson just chalked it up to Hendershott having a vision for MACE.

5
6 **Fred Aldorasi**

7
8 Aldorasi indicated that in approximately the first week of December 2008, when he
9 happened to be on a vacation day and in the process of moving his son's belongings, he
10 received a call from Chief Deputy Scott Freeman, who indicated that Chief Hendershott
11 wanted to speak with Aldorasi in his office that day. Aldorasi explained that he could
12 not do so, but he agreed to meet the first thing the following morning.

13
14 That Thursday he was to be in Chief Hendershott's Office by 8:30, and was met by
15 Hendershott in the lobby on the 19th floor. They went into Hendershott's office, and at
16 that time Hendershott indicated that he wanted Aldorasi to be the Commander of the
17 MACE Unit. Hendershott indicated that he needed a "strong guy," and had heard great
18 things about Aldorasi, who had run the Homicide Unit. Aldorasi stopped Hendershott
19 and told him that he hadn't run the Homicide Unit, but he was a supervisor there.
20 According to Aldorasi, Hendershott continued "just boosting my ego." (p. 17, Exhibit II1)
21 Aldorasi told Hendershott that he did not honestly think he was the right person for the
22 job, because he had never been a Detective, never gone to Detective school, had no
23 Detective credentials, and had never held a position as an investigator. Hendershott
24 insisted that Aldorasi take the position, and said something the lines of, "I would really
25 feel comfortable if you did it for me." (p. 18, Exhibit II1) Lieutenant Russ Skinner was
26 going to replace Aldorasi in Lake Patrol. Aldorasi was told that he would start the
27 following Monday.

28
29 After meeting with Chief Hendershott, Aldorasi was going to meet with his supervisor,
30 Captain Joe Rodriguez, and discuss the situation, after he had provided some
31 information to Rodriguez over the phone. Before they met for lunch, however, Aldorasi
32 received a phone call from Captain Jimmy Miller, who indicated that he needed Aldorasi
33 back downtown immediately. Aldorasi got back his truck, headed downtown and was
34 introduced to his first meeting in MACE. Present were Captain Miller, some of the
35 MACE Detectives, Lisa Aubuchon, and an attorney, Mark Goldman. This meeting
36 related to the Don Stapley investigation. Aldorasi provided the following additional
37 information as to what happened subsequently.

38
39 A: I came home and I remember staying up for hours and hours with my wife
40 just discussing, I felt I was in a different world altogether, just because of the, just
41 because of the abrupt nature of my transfer and everything else. So, again,
42 Thursday I went back to Lake Patrol, still under the notion that my assignment
43 wasn't going to change until Monday. I received a phone again, from Captain
44 Miller. I was actually, going up to Lake Patrol to pack up my office. I was
45 summoned back downtown, which is where I remained Thursday and Friday.

1 Friday night I remember telling Captain Miller, hey, Jim, I need to get my stuff
2 out of my office so that Lieutenant Skinner can move in, if not on the weekend, at
3 least by Monday. So, I went out there and got my stuff out and Saturday I was at
4 home, painting crown molding that I was going to install in my house over the
5 weekend, over the following week as well. And I'm standing out there in jeans
6 and a crummy shirt, painting my crown molding and my phone rang, this was
7 Saturday, and it was again, Captain Miller. Hey, I'm coming by, I got to pick you
8 up, we have a meeting. Okay. And again, I was whisked downtown and sat in
9 on, again, another meeting and....

10
11 Q: Who was in this meeting?

12
13 A: You know, I, I can't be specific, I do, like I told you on the first meeting
14 who was there, I can tell you that over the, the, the days that I was in MACE, I
15 attended a few meetings, on which day I can't tell you, but I attended meetings
16 that had Lisa Aubuchon in every one of them, whether anybody else was involved
17 in the meeting besides myself and my, at the time, Sergeant, and a few of the
18 Detectives, Lisa Aubuchon was there every, every, every single one. Mark
19 Goldman was there all but one. I think there were four meetings total. (p. 19,
20 Exhibit II1)

21
22 Aldorasi indicated that the four meetings he attended, all related to the Stapley
23 investigation, one was at Andrew Thomas' office. They also attended one meeting in
24 the Sheriff's conference room in which Sheriff Arpaio and Chief Hendershott were in
25 attendance. Aldorasi acknowledged that he was like a "duck out of water" because of
26 his lack of familiarity with the subject matter of the MACE investigations.

27
28 Two of the meetings were in the MACE conference room, and what was notable to
29 Aldorasi is that they seemed to be strategic meetings, at which Lisa Aubuchon and
30 Mark Goldman "seemed to be dictating the course of the investigation." (p.20, Exhibit
31 II1) Aldorasi acknowledged that, while he was a new Lieutenant in MACE, he was
32 trying to catch up on everything that was already going on.

33
34 Aldorasi, after the second meeting in MACE with Aubuchon and others, asked her why
35 she was dictating the course of his (Aldorasi's) investigation, and her reply was that he
36 was new to MACE and she knew what was going on. He thought that the situation was
37 "mind-boggling." (p.21, Exhibit II1)

38
39 Aldorasi also had a brief run-in with Mark Goldman one evening, which was the second
40 to last night that Aldorasi served on the MACE Unit. Goldman had called Aldorasi's cell
41 phone after he had worked a long day, and Aldorasi did not respond to the first
42 message, so Goldman called again. Aldorasi also disregarded this message, prompting
43 Goldman to call a third time, and this time Goldman left a very rude and obnoxious
44 message. Subsequently, Aldorasi received a call from Sergeant Rich Johnson, who
45 had been in MACE from its inception, and was "in tune" with Mark Goldman. Johnson

1 asked Aldorasi whether he had received any messages from Goldman, and Aldorasi
2 said that he had, but he had worked a long day that day, and was going to talk to
3 Goldman the following day. Johnson suggested that Aldorasi call Goldman, because
4 Goldman was going to continue to call Fred.

5
6 Subsequently, Aldorasi called Goldman, who berated him "up and down," prompting
7 Aldorasi to tell Goldman that he did not work for Goldman. Aldorasi's comments in this
8 regard were as follows.

9
10 So, I called Mark, and he had the nerve to just berate me up and down, at which
11 time I told him that I didn't work for him and he didn't work for me, and if he
12 didn't want to be part of, whatever it was I was in the middle of, he didn't need to
13 be. And I hung up and I called Captain Miller, and I said, hey, Jim, I just want to
14 give you a head's up, I don't know what clock this guy has or why he's even part
15 of what we're doing, I said, but I just pissed him off, so I'm sure you're going to
16 get wind of it. I never heard anything back, aside from my last day.

17
18 After, after that phone conversation with Mark, that was, for me, the culmination
19 of, although, it was just a, a few days as we, we said when I sat down, it seemed
20 like it was several months. (p. 21, Exhibit II1)

21
22 That evening, Aldorasi talked about his new assignment with his wife, and made the
23 decision to speak with Chief Hendershott the following day and ask to be transferred.
24 Aldorasi felt that he was "in something that was ridiculously over my head." (p. 21,
25 Exhibit II1) The following day, Aldorasi went to see Chief Hendershott, while Captain
26 Miller was present. Jim Miller had already explained to Hendershott what Aldorasi's
27 request was going to be, and Hendershott reportedly said something along the lines of
28 "Hey, no hard feelings, if you want to leave, I get it, it's a shitty job," or words to that
29 effect. (p. 21, Exhibit II1) Hendershott asked him where he wanted to go, and Aldorasi
30 said that if Lieutenant Tim Palmer, who was in Homicide, wanted to go to Aviation and
31 there was a vacancy there, that Aldorasi would take Palmer's spot in Homicide.

32 33 **Travis Anglin**

34
35 Anglin became the Lieutenant in MACE in May of 2008, replacing Bruce Tucker, and he
36 left MACE toward the end of 2008, roughly six months later. Travis understood that he
37 would be supervising and guiding investigations, and reviewing the work product of
38 other MACE personnel. He understood, when he was transferred, that he would also
39 be working with the County Attorney's Office and with Chief Hendershott. As he put it,
40 his assignment in MACE was "one of the most frustrating times of my career." (p.38,
41 Exhibit II3a) He did not want to move to MACE, and had been happy on the
42 administrative side in IA. He had been asked to move to MACE by Captain Miller, who
43 had explained that Bruce Tucker had been on the "verge of a meltdown" and that
44 Tucker's marriage was suffering due to his work with MACE. (p. 38, Exhibit II3a)

1 When asked why he did not want to go to MACE, Anglin explained that he had worked
2 temporary duty in the Threats Unit, where had been "under the thumb of the Chief and
3 the Sheriff," and had also worked in the Public Information Unit, where he also felt
4 pressures. He felt that in the Administrative IA area he had some authority and some
5 true influence, and could the mold the unit as he thought it needed to be run. He did not
6 express his discomfort with his assignment in MACE to Chief Hendershott.

7
8 Anglin thought that when he went to MACE, he was actually going to have input into the
9 direction of the investigations, and there would be "round table" discussions about how
10 an investigation should be conducted. When he went to MACE, he dealt with Vicki
11 Kratovil, Deputy County Attorney, who was the liaison between the CAO and MACE,
12 and a person to whom, Bruce Tucker, Anglin's predecessor in MACE, had catered.
13 Anglin, however, took the position that they (the MACE personnel) were the
14 investigators, they were running the show, and Kratovil can prosecute the case, but she
15 was not going to be running the unit. (p. 40, Exhibit II3a)

16
17 Bruce Tucker had had daily phone calls with Kratovil, and met with her several times a
18 week for meetings, but Anglin did not believe that he had time for it. Anglin's
19 background was that the prosecutors do not dictate how to perform investigations. On
20 Homicides in which he had worked, a County Attorney would be assigned, but they did
21 not guide the investigation, and it was Anglin's impression that Kratovil had guided the
22 cases with Bruce Tucker. (p. 41, Exhibit II3a) There was no question in Anglin's mind
23 that Vicki Kratovil was guiding the investigations. As he put it, "I all but blew Vicki off."
24 Subsequently, Lisa Aubuchon was designated as the liaison, and as Anglin put it, "My
25 world changed the minute Lisa Aubuchon walked in my office and not in a good way."
26 (p.41, Exhibit II3a) This occurred, he believes, in approximately May or June of 2008. It
27 appears to Anglin that, in this timeframe, Chief Hendershott only had minor input into
28 the case work of the MACE Unit. At the time, they were working on an investigation of a
29 rural fire Chief, and also putting the final touches on the community college case.

30
31 When Lisa Aubuchon came in, they started to activate and investigate new cases, and
32 Anglin was introduced to the Don Stapley case. According to Anglin, initially, he, his
33 Lieutenants and the Detectives in MACE would sit down with Lisa Aubuchon, and it
34 would be a true round table discussion in which persons could provide their opinions
35 and Anglin would take the lead. However, Lisa Aubuchon regularly countermanded the
36 direction that Anglin thought the cases should go, from an investigative standpoint.
37 Anglin says that at first, he put up a "little bit of a fight" and then one of two things would
38 happen. First, sometime later, Captain Miller would walk into his office and say that
39 they were going to proceed the way Lisa Aubuchon wanted, and this directive came
40 from Chief Hendershott through Captain Miller. Second, they would have a meeting the
41 next day, Lisa would be at the table, and say that she talked to Dave Hendershott, and
42 "this is the direction we're going to go." (p.43, Exhibit II3a) Directions were being given
43 relating to the minutiae of an investigation, which Anglin felt was his purview.
44 Essentially, it got to the point where Anglin, as he put it,
45

1 [I] had nothing to do, I had no input. I couldn't guide the cases. The cases
2 were being guided by Chief Hendershott and by Lisa Aubuchon. The direction
3 was being passed down to Captain Miller, if I'm not supervising the cases, and
4 I'm not supervising the guys, there's really no reason for me to be there, so I
5 would just go get my hair cut. (p. 44, Exhibit II3a)

6
7 Eventually, the investigative focus transitioned to the issue of Grand jury subpoenas.
8 Hendershott and Aubuchon wanted to get interviewees to the Grand Jury, but Anglin's
9 position was that they should talk to the interviewees first, and conduct interviews. He
10 felt that he could get further with an interviewee. Aubuchon then would tell, for
11 example, Brandon Luth to write a list of questions for the Grand Jury, and Travis'
12 position was if she wanted to take the persons to the Grand Jury, she should be writing
13 the questions. Basically, Anglin came to the opinion that he served no purpose in
14 MACE. (p. 44, Exhibit II3a) Anglin indicated that he expressed his frustrations to
15 Captain Miller, who attempted to calm Travis down, but not to Chief Hendershott.
16 Anglin felt that his frustrations were a direct result of him having conversations with Lisa,
17 who did not let him forget that her mandates came from Hendershott, and "he is the
18 Chief Deputy of this Office." Anglin does not recall Hendershott being involved in the
19 staff meetings, relating to the investigations, while he was in MACE for that
20 approximately six month long period. However, it is clear, from comments made by Lisa
21 Aubuchon, that she was in regular contact with him.

22
23 Anglin pointed out that the unit, which became known as MACE, was actually the
24 Organized Crime Division, and they were going to be investigating organized crimes.
25 Travis indicated that he actually got leads and intelligence on organized crime cases,
26 and he would take them to Captain Miller, who would take it to Chief Hendershott, and
27 Anglin would be told that they were not going to work on these cases. As he put it,
28 "there were cases that I was trying to get going that were blown off."

29
30 Prior to Anglin's transfer out of MACE, he went to Captain Miller, because Anglin did not
31 believe he was offering anything productive to the MACE Unit, because he wasn't given
32 the latitude to do so. Miller kept trying to talk Anglin into staying, for Miller's own
33 "sanity." It got so bad, from Anglin's perspective, that he actually went to Lisa Allen to
34 try to get a spot back in the PIO to get away from MACE, but she did not have any
35 openings, and she talked him out of it.

36
37 Subsequently, Anglin met with Chief Hendershott and Chief Sands, and asked to be
38 transferred back to patrol. They both told him that leaving MACE and going to Patrol
39 would be a step backward, they were not going to let Anglin do that to his career. Prior
40 to this point in time, Anglin had tested for Captain, and came out 22 out of the 22
41 applicants, so he was very frustrated about that. After the third meeting, Sands and/or
42 Hendershott went to Captain Miller, and told him that he needed to find a replacement
43 for Anglin, and they identified Fred Aldorasi, who spent 48 hours with Anglin, shadowing
44 him through his day to day activities in MACE. Anglin understood the Fred Aldorasi
45 lasted about 48 hours after Anglin left, having walked into MACE at the "absolute worst

1 time." After Aldorasi, the Lieutenants in MACE were Steve Bailey and Richie Burden.

2
3 **Loretta Barkell**

4
5 Barkell, the CFO for MCSO, advises that she was never told anything about MACE, and
6 it was difficult to discern, indeed, from the standpoint of HR, who was working at MACE.
7 She has also heard through the rumor mill about the replacement of MACE command
8 and supervision personnel on several occasions.

9
10 She received complaints, second hand, from Chief Knight or Chief Freeman, who
11 expressed their frustration about not having what was needed for a search warrant, or
12 about Hendershott not wanting to hear what they had to say on issues, based on their
13 expertise.

14
15 **Richie Burden**

16
17 Burden indicated that when MACE was formed, Burden was working in General
18 Investigations. When he was in GID, Burden followed, to a limited extent, media
19 accounts about some MACE activities, including the Sandra Dowling case. On a
20 Sunday in March 2009, he received a call from his Captain, Steve Whitney, who was
21 and still is the Commander of GID. Whitney told Burden that he had been transferred to
22 "OCD," the Organized Crime Division (also known as MACE).

23
24 On Monday, Burden went into his office, with the intention of packing up, and Bruce
25 Tucker, who had been Commander over the MACE unit, showed up. According to
26 Burden, Tucker had paid prior visits to GID, and was asking questions about how things
27 were going. In retrospect, Burden believes that Tucker was "job shopping" and had the
28 way that it worked out, Tucker moved in to Burden's position at GID and Burden moved
29 into Tucker's position as the Lieutenant in MACE. Burden went to MACE, and 14 days
30 later he was transferred out.

31
32 A few days later, if not the following Monday, he began working in MACE. The chain of
33 command in MACE at that point was from Burden to Deputy Chief Bill Knight, Executive
34 Chief Scott Freeman, and then Chief Deputy David Hendershott. Burden was
35 technically reporting to Knight. The personnel working under Burden in the time frame
36 were Sgt. Rich Johnson, Sgt. Brandon Luth, Sgt. Jeff Gentry, Det. Harry Bryant, and a
37 number of other Detectives.

38
39 **Paul Chagolla**

40
41 Chagolla indicated that he was never assigned to the MACE Unit, nor has he conducted
42 any investigations on behalf of MACE. He was involved from a media relations
43 perspective, but not to inquire about how the MACE Unit operated, or the particular
44 decisions that were made. He does recall attending a briefing from Lieutenant Bruce
45 Tucker for the media relations area, before something related to MACE went public. He

1 thought that this may have been in connection with search warrants relating to Sandra
2 Dowling. He then thought the briefing may have concerned the Maricopa County
3 Community College District.
4

5 **Ray Churay**
6

7 Deputy Chief Churay stated that he has not been involved with MACE and said he was
8 never asked to review any of the MACE investigations conducted by MACE. He
9 recalled that within the last year the Chief Deputy changed the MACE Commanders two
10 or three times, which he heard was a result of not being satisfied with the results of
11 some of the investigations they had conducted. Churay said that he may have had brief
12 communication with Scott Freeman and Bill Knight about the transfers, two of the
13 supervisors with whom Churay was most familiar, as they were on the same floor, but
14 all they said was, "I guess he wasn't happy with what I was doing."
15

16 **Paul Ellis**
17

18 Lt. Ellis recalled being in a meeting on the 19th floor, headed by Chief Hendershott,
19 where a discussion took place regarding having warrants written to obtain
20 documentation from the Board of Supervisors. Ellis admittedly did not understand what
21 the meeting was about, but once we mentioned Chicanos por la Causa, Ellis said that
22 that rang a bell. Although he was not personally involved in the investigation, two
23 MACE investigators, Detectives Halverson and Kelly, came to Ellis' office in Internal
24 Affairs and closed the door to seek his advice. Halverson told Ellis that they had been
25 charged with coming up with criminal charges against Don Stapley, but they had not
26 been able to, all resulting in other Detectives being assigned to come up with criminal
27 charges since Halverson and Kelly could not. Halverson and Kelly told Ellis that they
28 were coming to him for advice as to how far they could go without being accused of
29 insubordination in terms of refusing to do what they had been told. Ellis suggested that
30 the two might want to go directly to the Chief Deputy from whom they were actually
31 getting their marching orders. Terry Young, on paper, was in between the Chief Deputy
32 and the Detectives and the chain of command, but since the Chief Deputy had given the
33 directive, Ellis advised Halverson and Kelly that they might want to discuss their
34 philosophical differences with the Chief Deputy directly and request a transfer. Kelly
35 and Halverson voiced concern about retribution, and to Ellis' knowledge did not go to
36 the Chief Deputy. Ellis offered to approach the Chief Deputy for them, but they
37 persistently told him not to as they feared retaliation.
38

39 Ellis was under the impression that Halverson and Kelly were asked to perform
40 unethical or inappropriate tasks, although they were not very specific as to what they
41 had been directed to get on Stapley.
42

43 **Scott Freeman**
44

1 According to Freeman, MACE was put together by Andy Thomas and MCSO, but he did
2 not know whether Sheriff Arpaio was directly involved, or if it was just Hendershott and
3 the IA Unit. MCSO had received over the years a number of complaints of corruption,
4 and the powers that be thought it was a good idea to put together a unit to specifically
5 target those complaints. According to Freeman, Jim Miller was the first Commander of
6 the MACE Unit, and he remained the Commander until he could not take it anymore.
7 Miller had told Freeman that the stress was "eating him up" and he needed "to get out of
8 there." Freeman knew that Miller was providing this information, because the only
9 logical option that Hendershott had was to put MACE in Freeman and Knight's lap.
10 Miller later told Freeman that Hendershott tried to talk him out of relinquishing command
11 of MACE, but he was unsuccessful. Subsequently, Hendershott called Bill Knight and
12 Scott Freeman into his office, told them that Miller "could not take it anymore," and that
13 he wanted Knight and Freeman to take over the MACE Unit, on the logic that Bill Knight
14 was Chief of Detectives, and Freeman was Knight's supervisor.

15
16 According to Freeman, Hendershott's choice did not make any sense because Scott
17 had a history of "bumping heads" with Hendershott over investigations, which is why
18 Freeman was not in charge of MACE in the first place, or so he believes. Scott felt that,
19 in a short amount of time, there was going to be conflict with Hendershott over the
20 investigations that he wanted accomplished, but Hendershott nonetheless made the
21 decision to move MACE to Freeman and Knight's supervision. Miller, in the meantime,
22 stayed in IA, but was no longer responsible for MACE. Rich Burden came in as a
23 Lieutenant over MACE more or less concurrent with Knight and Freeman assuming
24 control of MACE.

25
26 According to Scott, as soon as they assumed the position of responsibility for MACE,
27 Hendershott started to call them with regularity, and giving them marching orders about
28 what he wanted done. Initially, Hendershott was contacting Freeman, and Freeman
29 would suggest alternatives, or suggest that they wait or evaluate. Scott's perception
30 was that Hendershott was not getting what he wanted from Scott, so then he started to
31 call Bill Knight, and he wasn't getting what he wanted from Knight, so then he started
32 going directly to the Lieutenant, Rich Burden.

33
34 According to Freeman, Burden was having issues with what he was being asked to do
35 by Lisa Aubuchon and by Hendershott. There had been an article in the newspaper
36 about the Board of Supervisors paying to have their offices swept for electronic listening
37 devices, and apparently Hendershott and Aubuchon saw that as a misuse of County
38 dollars, and that a criminal investigation was warranted. Hendershott wanted to serve a
39 search warrant the next day on the Board of Supervisor's office.

40
41 Subsequently, Burden contacted Knight and Freeman, and expressed his concerns,
42 because they did not have probable cause for the search warrant. Freeman and Knight
43 agreed. Knight told Burden that they were not going to do it. In the midst of that
44 conversation, Hendershott walked into the office and sat down. During the course of
45 their discussion, Hendershott said something like, "I don't want to hear anything out of

1 the Lake Patrol 10,000 misdemeanors guy over there," referring to Scott Freeman.
2 Burden and Knight attempted to explain to Hendershott that there was no evidence, no
3 corroboration, and they needed to do some investigation. They could not simply write a
4 search warrant because of information in a newspaper article. By this time, Freeman
5 had basically been told to "be quiet," and he said nothing.

6
7 Later in the day, Freeman understands, there was a heated discussion between Rich
8 Burden and Lisa Aubuchon after Burden had expressed unwillingness to do the search
9 warrant.

10
11 The following morning, or perhaps even that afternoon, Knight and Freeman were called
12 into Hendershott's office and basically told that they were being fired. Reportedly,
13 Hendershott said, "You get those assholes out of that office today," referring to Gentry
14 and his squad, and Rich Burden. (p. 69, Exhibit II14a)

15
16 Scott Freeman's further comments about these developments was as follows.

17
18 PB: Who told you this?

19
20 A: Hendershott. I just want to machine guns those sons of bitches. I want
21 them the hell out of here right now. They're fucking up this investigation. Get
22 them out. And, I said, yes, sir, no problem. Because I was just pleased as punch
23 to not to have anything more to do with it. And, so Bill and I walked out and
24 Jimmy Miller's in the lobby. And, I looked at him and I said, sorry Buddy, it's
25 going to go back to you. I can just see it coming. And, Bill and I went out and
26 got a hold of Richie Burton and called him to have tea, because he's kind of a,
27 kind of a sensitive guy about being told he's no longer welcomed in any
28 assignments, so. We sat him down. Explained it to him. Moved those guys over
29 to narcotics where they've been doing just a bang up job since.

30
31 Q: And Gentry and the Detectives under Gentry?

32
33 A: Yeah. They all went over to work for me over in narcotics. And that's
34 where they are today. Richie, of course, is up in District 4 now. (p. 69, Exhibit
35 II14a)

36
37 Freeman indicated that both he and Knight were happy that they were no longer in
38 charge of the MACE Unit.

39
40 **Ken Holmes**

41
42 Holmes indicated that by the time he returned to Internal Affairs in September of 2009,
43 MACE, he believes, was known as the Organized Crime Division, and it was no longer
44 under IA, although it previously had been operated under Internal Affairs, when James
45 Miller was the Commander. When Holmes became the IA Commander in September of

1 2009, he was only responsible for the Administrative IA and Criminal IA, but not MACE.
2 He believes that MACE was answering directly to Terry Young in September of 2009,
3 and that Young had become the Chief over IA around the same time that Holmes had
4 become the IA Commander. Holmes never had any personal involvement in any of the
5 MACE-related investigations.

6
7 Holmes did advise that, from time to time after he returned, IA personnel did provide
8 assistance to MACE/Organized Crime Division with review of documents, including the
9 review of emails from Chicanos por la Causa, in connection with the investigation of
10 Supervisor Wilcox. Young did not have any hand in the preparation of any search
11 warrant affidavits, nor did his subordinates in IA, or participate in the execution of any
12 search warrants.

13
14 **Bill Knight**

15
16 Jim Miller had been supervising MACE, but one day Hendershott called Deputy Chief
17 Knight and Executive Chief Scott Freeman into his office and told them that they would
18 be assuming command over MACE. They were not given a specific reason for the
19 change in leadership, but Knight was under the impression that Hendershott was trying
20 to take some of the stress off of Miller. The Lieutenant in MACE at the time was Bruce
21 Tucker and he had three Sergeants, Brandon Luth, Rich Johnson and Jeff Gentry.
22 There were 2 squads, one assigned to Johnson and the other assigned to Gentry, with
23 5-6 Detectives on each squad. Luth worked in more of an administrative capacity, but
24 he was still working on clearing some AG investigations as well. Under Miller's
25 command, it appeared that Chief Hendershott had been contacting the Sergeants
26 directly, circumventing the chain of command, and it appeared to Knight that the
27 Detectives were grateful to have Freeman and Knight on board so they had someone to
28 check with when they received directives from Hendershott.

29
30 Deputy Chief Knight said that while he was supervising MACE, Hendershott was very
31 involved with its operation, had direct involvement in cases and was described by
32 Knight as being "very heavy handed." During this time, Hendershott would contact the
33 MACE staff directly and make rush requests for public records, subpoenas, and other
34 tasks. Knight and Freeman would then get calls from Johnson and Gentry, who would
35 ask them for input about what Hendershott had asked them to do. Hendershott was
36 basically calling the shots on the investigations, which were already well underway
37 when Knight and Freeman came on board with MACE. Knight met with Rich Johnson
38 and Brandon Luth to discuss their current investigations so he could get up to speed on
39 them. Knight then kept in contact directly with Freeman and Hendershott on the
40 investigations, although Knight acknowledged that Freeman was not at every meeting
41 and was slightly removed from the operation. Freeman did, however, handle the
42 majority of the communication with Hendershott for Knight, consistent with
43 Hendershott's intentions with the creation of the Executive Chief positions, which were
44 assigned to Brian Sands, Scott Freeman, Loretta Barkell and Jerry Sheridan.

1 When Knight started in MACE, he spent some time getting oriented with the MACE unit,
2 but as time went on, Knight started confronting Hendershott about the motivation for
3 certain investigations.
4

5 A: Is it, well, the two obvious motivations is, is it actually a criminal charge
6 that we're looking for, or are we looking at dirtying their name politically in the
7 media. As an example, one of the first cases I remember us doing a search
8 warrant on, when I got there, like I said it was on that Conley Wolfswinkel
9 business site. Conley was alleged to have been, if I'm remembering this correctly,
10 a business associate of Don Stapley. And Stapley's, maybe a relative might have
11 been on some sort of a land district and Stapley's relative was doing business with
12 Conley's business and there was some things going on there in terms of business
13 relationships. And the potential existed that Stapley might have been voting in his
14 position as a Board of Supervisor, in favor of some of those dealings, contracts,
15 etc., etc. That's kind of what we were looking at in terms of identifying the extent
16 of this relationship and whether or not there was any illegal wrong-doings there.
17 When we got the search warrant signed, I was specifically instructed by Dave to
18 call him the second we were inside Conley's building. And the morning of
19 execution, myself and my guys were waiting to go ahead and hit the place,
20 obviously it was a business, we weren't going to be ramming it or anything, we
21 were going to walk in and announce ourselves, very nonchalant. I must have
22 gotten ten phone calls from him that morning. From him, being Dave
23 Hendershott. Are we in yet, are we in yet, are we in yet? I finally just got to the
24 point of saying, Chief, when we're in I'll call you, trust me. I'll give you a call.
25 He goes well, as soon as you get in, I need you to have them secure that facility,
26 and I need you to go to the nearest Kinko's and fax me the signed affidavit as
27 soon as you guys get in. Okay, what do you need that for? Just never mind. Get
28 over to a Kinko's and fax me the signed affidavit. Okay. So we get in, we secure
29 the place. I run over to the nearest Kinko's, which is three or four miles away,
30 spend the money to fax a document over to him, by the time I get back to
31 Conley's business, I've already got a news helicopter flying overhead. So, and I
32 find out, later that afternoon, that the signed affidavit was released in conjunction
33 with the press release to the media. (pp. 12-13, Exhibit II21)
34

35 Knight quickly learned that it appeared Hendershott's intention was to have the affidavit
36 to release to the media, as there was already a press conference being held when
37 Knight returned to the office and the press already had a copy of the affidavit.
38

39 A: When I got back those suspicions were affirmed a little bit more with a
40 conversation that I had with Dave Hendershott in his office. As is typical with
41 him, he, he'll bring you into his office, hey, great job. Put his arm around you,
42 kinda like you're little brother of the clan, appreciate your good work, that kind of
43 stuff, and the next thing out of his mouth was, where are we hitting next? I said I
44 have no idea. We just grabbed 20 or 30 boxes out of this guy's office, we got to
45 review what the hell we've got. Does this substantiate what the hell we were

1 trying to look for? Is it pointing us in a new direction? Is it shedding some light
2 on some things we weren't aware of? I don't know. My guys have got to have
3 time to sift through that documentation and determine what the hell we've got.
4 And his response was, no, we need to keep this thing rolling in the media. We
5 need to hit someplace else next week. So, that's, that obviously was further
6 affirmation of, I don't know that he, personally, now I can't speak on behalf of the
7 Sheriff, as of yet, but I don't know if he personally was necessarily concerned
8 with a positive outcome of the case. I think they, at that point in time he was
9 more interested in seeing them getting their butts kicked in the media. Them,
10 being Stapley in this matter. (p. 13, Exhibit II21)

11
12 Knight acknowledged that he had reviewed the search warrant for the Wolfswinkel
13 situation and that there appeared to be probable cause. He admitted that there were
14 details not put into the content of the search warrant, which was discussed with the
15 Sheriff, which is a common practice for investigators, as they do not want everyone to
16 know everything they know about the details of their case. The Sheriff wanted
17 additional details to be inserted into the Wolfswinkel search warrant and was asking
18 Knight why the details were not included. Knight explained that those details were not
19 needed to establish probable cause. Knight continued to tell the Sheriff that he was
20 comfortable with the way the warrant was written and the Sheriff told Knight that they
21 would present the warrant to a judge and if the judge denied it, they would put more
22 information in the warrant to establish probable cause. Knight admitted that he probably
23 overstepped his bounds, but said that he asked the Sheriff, "Are we writing a press
24 release or are we writing a search warrant? I just need to be clear on what we're trying
25 to produce here." (p. 15, Exhibit II21) The Sheriff looked at Knight, told him to get the
26 information in there, got up and walked out. Knight pointed out that it was this search
27 warrant that had been released to the media and said he ended up adding the
28 information the Sheriff had requested. After the search warrant was effected,
29 Hendershott told Knight that they needed to "hit someplace next week, we need to keep
30 this rolling in the media." Knight did not discuss his concerns with Hendershott, but told
31 the investigative team that he was not going to write a fictitious search warrant for the
32 sole purpose of creating another story for the media.

33 34 **Brandon Luth**

35
36 Sgt. Luth was one of the original Sergeants to staff the MACE Units, along with Francis
37 Goddard. They were supervised by Lt. Bruce Tucker. A few weeks later, Sgt. Ben
38 Armor joined the unit. After that, there were numerous transitions at most ranks, but the
39 only Captain he could remember having was Jim Miller. Sgt. Luth had not been happy
40 in MACE and had reached out for a transfer. Finally, Sgt. Luth told Chief Young that he
41 needed to be transferred out of MACE or he would resign from MCSO. Sgt. Luth was
42 transferred to General Investigations in January 2010, a position found for Luth by
43 Chiefs Freeman, Knight and Young.

44
45 Sgt. Luth indicated that MACE was disbanded 1-2 weeks after Chief Hendershott left for

1 Medical Leave, a few months before Luth's interview on November 2, 2010. Sgt. Luth
2 explained that had been with MACE since day one, December 14, 2006, when Captain
3 Miller held a staff meeting and told them that IA was going to be comprised of 3
4 sections, Administrative, Criminal and a new group, including Brandon Luth, Bruce
5 Tucker and Beverly Owens, who would make up the third section, which was eventually
6 named MACE. They were told that they were going to the County Attorney's Office
7 immediately to receive their new cases.

8
9 Sgt. Luth explained that the reason the County Attorney requested the commencement
10 of a specialized unit, like MACE, was to handle politically sensitive corruption cases.
11 Sgt. Luth said there was an impromptu meeting on that same afternoon with the upper
12 echelon of Maricopa County, including Phil MacDonald, Sally Wells, Tony Novitsky,
13 Michael Anderson and Jon Wendell. One of the initial investigations was a campaign
14 mailer for Jackie Thrasher, who was photographed with Michael Duran, a DOC Officer,
15 in uniform beside a vehicle with a star on it, resembling the MCSO vehicles. Other
16 initial assignments included the investigation into an allegation from the Democratic
17 Party about Andrew Thomas, and an investigation regarding Russell Jones, who
18 allegedly falsified campaign nomination petitions in Yuma. There was also an
19 investigation referred to as the "Trifecta" case, which involved the investigation of Len
20 Munsil, who was running for governor against Napolitano. Allegations against Munsil
21 included illegal transfer of funds, lying in political campaigns and telemarketing issues.

22
23 According to Sgt. Luth, his initial chain of command in MACE was Sgt. Luth, Lt. Bruce
24 Tucker, Cpt. Jim Miller and then ultimately, Chief Hendershott. Sgt. Luth explained that
25 there was a great deal of pressure put on the MACE staff and after a meeting on
26 December 14, Bruce Tucker and Sgt. Luth realized they both had to cancel their
27 scheduled vacations over Christmas, which they mentioned to the County Attorney.
28 Apparently, word got back to Chief Hendershott that they had complained and Captain
29 Miller got reamed by Chief Hendershott. Sgt. Luth explained that in the beginning of the
30 MACE unit, Chief Hendershott was fairly involved in the management of the MACE unit;
31 he attended MACE meetings and interjected his opinions about the way he wanted the
32 unit operated. As Luth put it,

33
34 A: He would come to MACE meetings, interject his opinion, the direction he
35 wanted us to go. You know, the stuff he wanted often done was always, his things
36 were he liked wires, he liked video and IO, he liked trash rooms, he liked
37 subpoenas, he liked large, broad public records requests, subpoenas, you know,
38 he, he's always, he was always just full bore ahead, I guess you can say. That was
39 one of our complaints is that we never had time to ever, instead of doing
40 something, getting the information, analyzing it, and then figuring out what the
41 next step was, we would get the direction to go hit another step before we had
42 time to look at what we had just done. (p. 26, Exhibit II25)

43
44 Sgt. Luth explained that he would often get calls from Lt. Tucker or Cpt. Miller on the
45 weekend and told that they were going to roll on a case on Monday, so Luth and

1 Beverly would work the entire weekend, preparing executive summaries on a case to
2 present on Monday, but when Monday came around, nothing ever happened on the
3 case. Hendershott's involvement with MACE started to change around the time of the
4 Stapley investigations, in the timeframe of November-December 2008, when the
5 indictments were filed. Hendershott started to become more directly involved in the
6 investigations, actually directing and leading every investigation. Sgt. Luth said that
7 Hendershott would give direction to complete rush interviews or to gather public
8 records, but Hendershott never explained the circumstances behind the requests. It
9 seemed to Sgt. Luth that the MACE unit was never able to keep up with Hendershott's
10 demands. The case agents were no longer able to function independently and
11 Hendershott seemed to be directing every move on every case.

12
13 According to Sgt. Luth, since the inception of MACE, they would have 2-3 hour
14 meetings every Wednesday at 4:00. The Sheriff would attend some of the meetings,
15 and Chief Hendershott attended the majority. There were usually 10-12 people at each
16 meeting, including Hendershott, Miller, Tucker, Owens and other Sergeants assigned to
17 MACE at the time. Members of the County Attorney's Office, including Phil MacDonald,
18 Sally Wells, Vicki Kratovil, Dennis Wilenchik, Mark Goldman and Tony Novitsky
19 regularly attended the meetings in the beginning. Attendance to the meetings started to
20 dwindle and appeared to become cumbersome for the upper administration.
21 Eventually, it was only Vicki Kratovil from the County Attorney's Office attending the
22 meetings with the MACE Detectives and Sergeants. Vicki Kratovil was, reportedly, not
23 being aggressive enough and around May 2008, Kratovil was replaced by Lisa
24 Aubuchon.

25
26 Sgt. Luth said that Chief Hendershott appeared to use the bribery investigation case
27 against the Attorney General's Office (the Dave Petersen case) as a way of having
28 leverage over the AG's Office, as Hendershott could then always say that there was an
29 active criminal investigation into them. Around December 2009, Sgt. Luth was
30 interviewed by the FBI about the case, which Luth had not touched since January or
31 February 2009, and Luth told the FBI the case was inactive. Right after the FBI
32 interview, the newspaper reported that the Attorney General's Office issued an opinion,
33 stating that County employees were not required to speak with Sheriff's Office
34 investigators about the case. Hendershott ordered Sgt. Luth to write a letter to the AG's
35 Office to find out who wrote the opinion and get a copy of it, and also ordered Luth to
36 ask the AG's Office if there was any involvement by Ed Novak, who represented the
37 AG's Office in an ongoing criminal investigation of the AG's by MCSO. Sgt. Luth told
38 Chief Young about Hendershott's directive and voiced his concerns because he had just
39 told the FBI his investigation was active, and writing a letter to the AG's Office the next
40 day could implicate that Luth had lied to the FBI. Chief Young helped Sgt. Luth author
41 the letter in a way that Luth was just asking for information on the current attorneys
42 representing the AG's Office, which allowed him to accomplish the task set forth by
43 Hendershott, without lying.

44
45 **Jack MacIntyre**

MacIntyre characterized the operation of the MACE unit as unusual, having a Chief Deputy essentially functioning as the case agent on the criminal cases. It was also MacIntyre's observation that Hendershott did not want extremely seasoned detectives working in MACE, and feels that this was by design. The investigators in MACE performed assigned tasks for Hendershott, and were not asked by Hendershott to think like investigators. As MacIntyre put it, having younger troops, Hendershott could "buffalo" them. He also observed that Hendershott attempted to avoid the command officers because he knew that they had in the past objected (and would continue to object) to what he wanted to do. According to MacIntyre, given the complexity of organized crime investigation, it is essential to have top flight detectives who can think creatively. However, it was clear that Hendershott considered himself to be in command of all the facts, and when persons disagreed with him, his mantra was to say that they didn't understand the whole picture. After MacIntyre had expressed, early in the operation of MACE (the name of which MacIntyre concocted), that there was nothing to pursue in a case (the Petersen matter), he was told by Hendershott that he did not need to come to the MACE meetings, which were also attended by representatives of the County Attorney's Office.

MacIntyre commented that, at one point, Hendershott was spending three to four days at a time in his office with Lisa Aubuchon planning the cases, with charts and timelines up on the wall.

MacIntyre believes that Hendershott, who had a "Svengali effect" on Sheriff Arpaio, could convince the Sheriff that the MACE cases were worth pursuing, and would result in active, successful prosecutions, even though MacIntyre would caution Sheriff Arpaio about the direction MACE was heading.

MacIntyre commented that, on a number of occasions, he received calls from Chief Freeman, Chief Knight and others, day or night, who were calling to express concern about the aggressive course that Hendershott was taking with the cases, which they did not believe had merit.

Jim Miller

Miller had no knowledge as to whether the investigations and resulting prosecutions based on MACE investigations were politically motivated. He did indicate that all of the investigations that came to MACE either originated with or were approved by Hendershott. In other words, "it was strictly his decision on what cases to work." (p. 47, Exhibit II28) Miller provided further explanation.

A: I mean in most investigative units you generate your workload by your investigators going out or citizens coming forward and having relative information and you then start to work it. In the MACE Unit there was none of that. Nothing that we worked was generated by our own people, it was all Chief

1 Deputy brings something forward to us and says, investigate this. So it was his
2 decision about what was going to be investigated and how it was going to be
3 investigated, period. (p. 48, Exhibit II28)
4

5 When asked about the staffing of MACE and Miller's activities in the MACE
6 investigations, Miller provided the following information.
7

8 A: Well, I had a Lieutenant and at least two Sergeants at any given time, plus
9 some investigators, an auditor. I would conduct it like I would any other division,
10 whereas as cases would come in, the Lieutenant would be assigning them to the
11 Sergeants and their squad would work investigations. I would have periodic
12 briefing and updates. Information flow would be continuous, and uninterrupted to
13 the Chief Deputy, and then his direction would be continuous and uninterrupted
14 all the way down to the investigator level, as far as the progression of these
15 investigations. (p. 49, Exhibit II28)
16

17 There was a series of Lieutenants in MACE, including Tucker, Anglin, Aldorasi, Bailey
18 and Burden. Around the time that Burden became the MACE Lieutenant, Miller went to
19 Hendershott and said that he wanted out of MACE, and could not manage both IA and
20 MACE. Hendershott transferred supervision of MACE to Chief Knight and Chief
21 Freeman, although Miller continued to supervise IA.
22

23 Miller's time supervising only IA was short lived, because he was called back up to
24 Hendershott's office, basically told that he did not have a choice in the matter, and he
25 was going to be in charge of both IA and MACE. He believes that he had not been in
26 charge of MACE for a period from 3 to 5 months before he began supervising MACE
27 again. He retired a few months later. (In the investigative interview, Miller walked
28 through the various accounts from the Lieutenants who served in MACE, and why they
29 left the unit, as seen in pp. 52-55.)
30

31 Miller described the evolution of the MACE Unit, in terms of the input of personnel from
32 the County Attorney's Office, and the eventual reliance upon Lisa Aubuchon.
33

34 A: At the very beginning, it was a weekly meeting and the Chief Deputy, the
35 Sheriff, Andy Thomas, myself and Bruce Tucker would all be involved in this
36 weekly meeting. And the three prosecutors were Tony Novitsky, Vicki Kratovil,
37 and I think one of the, I can't remember her name, has red hair and she was like
38 the number 2 or 3 person over there. They all sat in on these meetings. And we
39 would discuss the case that was at hand, we'd give up reviews of what we had
40 found out, you know, from the last meeting, and the lawyers would discuss how
41 we were going to make these things, you know, admissible or how to play into
42 this and tactics and on and on and on, and we'd go out and eventually as the cases
43 drew on, and more and more, they want, you know, like Andy Thomas or the
44 Sheriff or the Chief Deputy would make suggestions during this meeting about
45 the tactics to be used in the investigation. And I would play off of, mostly Tony

1 Novitsky, of, you know, wouldn't this lead to this as a problem? And he would
2 say, yeah, you know, that's going to be a problem. That's going to be a
3 problematic because it will turn into this. Try and sway them from making us do
4 some crazy outlandish things. Well, eventually that got old, they didn't like
5 hearing, you know, their ideas shot down, so Novitsky gets removed. Vicki
6 Kratovil eventually gets moved, the other lady, whoever she, I can't remember
7 her name, she gets moved, and then it's only Lisa Aubuchon. And Lisa
8 Aubuchon came from nowhere. Who's Lisa Aubuchon? She was like a charging
9 attorney, you know, in charge of small division type of thing, as I understood it, it
10 was explained, she was, in our rank structure she would be like a Sergeant.

11
12 Q: Sure.

13
14 A: And now all of a sudden she's the premier investigator, I mean prosecutor,
15 in charge of this, supposedly, you know, according to Arpaio and Thomas, that's
16 one of their biggest things they've got, is this MACE Unit. And now she's the
17 person in charge of it, as far as prosecutor goes.

18
19 Q: And that was all before you left MACE the first time, right?

20
21 Q: Correct. Yeah. And she took over with MACE. I mean, yeah, she
22 became the MACE investigator. And without the, in my estimation, without the
23 tempering and the back-up of the other lawyers, you know, that leant some
24 semblance of stability and everything, I was out on my own. There was no saying
25 no to these people. And, without those guys to back me up, or me backing them
26 up on some things, it just started to spin out of control. Well, all of a sudden the
27 meetings weren't necessary anymore. So we didn't have any face to face
28 meetings anymore between the Sheriff and Hendershott and Andrew Thomas and
29 me and the attorneys. Now it was Hendershott would make a phone call to Lisa
30 Aubuchon and Lisa Aubuchon would call my Lieutenant and all of a sudden
31 directions of the investigation would start going from there. And I'd get a call
32 from the Lieutenant, okay, apparently this comes from Hendershott, he wants us
33 to do this, this and this. Alright. So I check it a couple of times, you know, call
34 him, hey, is this what you want done? Yeah, yeah, I talked to Aubuchon about it.
35 Okay. So eventually I stopped calling and checking because obviously they were
36 calling in the plays if you will, switched from us having anything to do with
37 running the investigation to Lisa Aubuchon and the Chief Deputy conferring over
38 it and then they were calling directly down to the Lieutenants and the Sergeants in
39 MACE to have it done. (pp. 56-57, Exhibit II28)

40
41 When asked to provide examples of the "silly things" done in connection with the MACE
42 investigations, Miller provided the following example.

43
44 A: Well, a silly thing would be one that you want to interview somebody.
45 And legally we have the reason to interview them. Like the assistant to the

1 County Manager. When we were working the case about ordering, I don't know,
2 something about the sweep for bugs, or something like that. Now instead of
3 going there and making a phone call and saying, you know, you want to meet
4 somewhere outside of your office, obviously, you know, and we'll meet you
5 anywhere you'd like, and just ask you a few questions, 'cause we don't want you
6 to feel uncomfortable, we're not going to barge into your office. The orders were,
7 go and sit in front of her house and when she drives out of her house, go make a
8 traffic stop on her. And then, find out what she has to say. And that tactic was,
9 you know, very high profile tactic, was always used to try and extract information
10 from somebody or whatever. I know we had to send, when we went to do a
11 search warrant in, or get information from Don Stapley's house, you know, that
12 had to be fully wired up. We had to have undercover Deputies following Don
13 Stapley from the time that he left the Board of Supervisor's Offices, I think there
14 was four or five Deputies, in unmarked vehicles that were tailing him, and left the
15 office and went to his lawyer's office, and then left the lawyer's office and saw
16 that we were following him, so he started making U-turns on Lincoln Avenue and
17 all of this is being reported to me, and they're saying, this is ridiculous, can we
18 stop following this guy. It's not leading us anywhere and he knows that we're on
19 to him. I called Chief Deputy, what's up? You keep that on, you keep that tail on
20 him until I tell you to stop. So quit calling me. I'll tell you when to make the
21 stop. Okay. So, it went on all that day, the man drove home to his community,
22 his gated community. He pulled into his house, alright, he's at his house. Alright,
23 stay on it. So we had undercover Deputies staking out the Board of Supervisor's
24 house all night long. The next day I get a call, and one of the guys who's
25 undercover says, he's in a cul du sac, so the only place, in a gated community, so
26 the only place I can park is like a street down and across the way in like an orange
27 grove and a man walked up to my door, knocked on the window, I rolled it down
28 and he says, I'm the Mayor of Mesa, and I know who you are and I know what
29 you're doing to Don Stapley and I think it's wrong. So I just want you to know
30 you shouldn't be hanging out here, it's not right. So I told the Chief Deputy that
31 and he says, well, who else did he tell, who else did he tell? I don't know what
32 you're talking about, who else did he tell. Well, a short time later, a police
33 Officer from the City of Mesa pulls up to one of the other undercover guys. And
34 the guy, you know, the Deputy Sheriff IDs him, says I'm off-duty, I'm under, I'm
35 a Deputy Sheriff, I'm doing some undercover work here. He goes, oh, you're on
36 that Don Stapley thing. Okay, never mind. He gets back in his car and drives
37 away. So I report this to the Chief Deputy. He is livid. He says, explain to me
38 how the City of Mesa Police Department knows that we're conducting an
39 undercover operation on the Board of Supervisors, unless the damn mayor told
40 them. Don Stapley called the mayor. So this is the scenario the Chief Deputy
41 tells me. Don Stapley calls the mayor, says, the Sheriff's Office is on to me and
42 they're staking out my house. The mayor then calls the Mesa Police Department
43 and lets the Mesa Police Department know that the Sheriff's Office is staking out
44 Don Stapley's house. So now everybody knows that this is going on. I said, well,
45 maybe, but so what, can we pull the undercover Deputies off now? I mean, you

1 know, they've just been sittin' out in front of the guy's house, everybody in the
2 world apparently knows it, what are we gaining here? He goes, maybe we need to
3 go talk to the mayor about interfering with an official investigation. I said the
4 Mayor of Mesa? Yeah. Let's find out where he lives. Maybe we need to go talk
5 to him and talk to him about, and he interferes with an official police
6 investigation, 'cause if he called the City of Mesa to alert them, he put our
7 operation in jeopardy. I said, I don't think we got anything on that, Chief. That's
8 pretty far stretch. Well, he can't be calling, he can't be calling, he can't be doing
9 that. Alerting all these people. I said, we're making an awful lot of assumptions
10 here. Do we really want to talk to the Mayor of the City of Mesa, about an
11 investigation involving the Board of Supervisors? Well, let me check this out, I'll
12 call you back. And now I'm praying to God that he's not going to order me to
13 send a Deputy Sheriff to the Mayor of Mesa's house and conduct an interview
14 with the undertones of intimidation, that you're interfering with our criminal
15 investigation.

16
17 Q: Sure. So what happened then?

18
19 A: Well, luckily enough, I don't know who he talked to or what made him
20 change his mind, but he decided to handle it, he told me he was going to have one
21 of the Chiefs call over to Mesa and find out how they got that information. And I
22 didn't hear anymore about it. I didn't want to know anymore about it, I was just
23 thanking my lucky stars that I didn't get sucked into that disaster any further.
24 Then finally, he told me, you can tell those guys that they can pull off the tail
25 now. (pp. 57-58, Exhibit II28)

26 27 **Kip Rustenburg**

28
29 Lt. Rustenburg indicated that she was never assigned to MACE, but her office was on
30 the opposite side of the MACE wall. She indicated that there were personality conflicts
31 between Brandon Luth and Rich Johnson, and Captain Miller had suggested placing
32 Rustenburg in charge of them, which Rustenburg did not want. Ultimately, Miller did not
33 move her to MACE, and she was appreciative.

34 35 **Brian Sands**

36
37 MACE has never been in the chain of command of Brian Sands, and he denied having
38 significant firsthand information about what had transpired. He did receive information
39 from Rich Burden, who Sands characterized as a close friend, after Burden was
40 transferred from MACE. Burden indicated that Hendershott wanted search warrants
41 executed, but Burden did not feel that the elements of probable cause were present.
42 He also heard comments about Lisa Aubuchon's statement that the MACE Detectives
43 should use "creative writing," and also heard Burden commenting that Hendershott had
44 indicated that he was going to "machine gun" the upper chain of command in MACE.

1 Sands, however, has never spoken to Dave Hendershott about any of these issues, nor
2 has he discussed them with Sheriff Arpaio.

3
4 **Don Schneidmiller**

5
6 Schneidmiller has never had any direct involvement in any MACE activities, and has
7 never been brought into the chain of command. He did receive hearsay information
8 from a number of individuals about what was transpiring, and did field complaints about
9 Hendershott's direction of the investigations. Among the persons who talked to him
10 were Scott Freeman, Terry Young, Bill Knight and Bruce Tucker, as well as Rich
11 Burden.

12
13 **Rollie Seebert**

14
15 Seebert indicated that, given his position in Detention, he had no direct association with
16 MACE, and has not direct knowledge of the events at issue.

17
18 **Jerry Sheridan**

19
20 Sheridan, as the Chief of Detention, had no involvement with MACE. He has received
21 information from Frank Munnell, as well as "grousing" from Scott Freeman and Bill
22 Knight about what Hendershott wanted them to do. Sheridan did express his opinions
23 about the MACE issue.

24
25 ...My opinion of the MACE issue was, that you had, while you had the Chief
26 Deputy involved in the investigation, which I had seen in the history of the office,
27 Joe Arpaio is the fourth Sheriff I've worked for, the Chief Deputy should not be
28 conducting investigations. Your Chief Deputy should be a Chief Deputy and your
29 Detectives, Captain, Sergeant, Lieutenant, those are the ones that should be
30 conducting investigations. The Chief Deputy should not be sittin' in his office
31 calling the shots. I've seen two other Sheriffs lose elections because they've had
32 their Chief Deputies meddling in police work. They're not Detectives, and so
33 when, you know, all this happened and seeing the Chief Deputy involved in the
34 case, I felt a little bit better about it because we also had a Deputy County
35 Attorney who some people thought was very competent and a couple of others
36 thought maybe not so competent. Was there, had an office in our building and
37 was, you know, doing what prosecutors do, they help ramrod the investigation,
38 make sure that all the probable cause is there for the search warrants, make sure
39 you add the elements of the crime, make sure that everything is there so that when
40 they bring it to court to prosecute the case, everything is in a nice neat little
41 package. So, I didn't pay much attention to what the MACE Unit was doing. I
42 knew because people were going in and out, you're asking me for a narrative
43 answer, right?

44
45 Q: You're doing fine.

1
2 A: Okay. As people were being moved in and out, you know, I'd hear, you
3 know, in the hallways, you know, so and so was mad, Hendershott and this and
4 that. You know, I just chalked that up to the way Dave is. Dave is very difficult
5 to work with and around, and he's very demanding. And it's either Dave's way
6 or the highway, and so I'm sure he ate up Detectives and spit em out. And if they
7 balked at him and you know, questioned him, I'm sure they were replaced with a
8 fresh one the next day. And that's what I attributed this to, but I always went
9 back to my thought process was, hey, you got the Deputy County Attorney, a high
10 ranking Deputy county attorney assigned to the MACE Unit, she's overseeing all
11 this. I'm sure they take this information back, round table it over at the County
12 Attorney's Office with the rest of the prosecutors and we're fine.

13
14 Q: You're referring to Lisa Aubuchon?

15
16 A: Yes, Sir. And so that's why I never really paid a lot of attention to it. (pp.
17 26-27, Exhibit II37)

18
19 Sheridan does not recall Hendershott ever providing any updates to him about what
20 was going on in the MACE investigations.

21
22 **Dave Trombi**

23
24 Trombi, in no uncertain terms, indicated that he had no involvement in MACE, and he
25 furthermore denied that he even had any discussions with Dave Hendershott relating to
26 MACE-related issues.

27
28 **Bruce Tucker**

29
30 Tucker indicated that during the course of the Dowling investigation, Hendershott had
31 obtained information that Dowling had falsified some records, and this disclosure was
32 made after she had been indicted. After she had taken her plea, Hendershott wanted
33 Tucker to open up another investigation on her, on the falsification of records. This was
34 around the time, in 2008, that Tucker wanted to get out of MACE. As he described it,
35 Hendershott started getting resistance to what MACE was doing from Andy Thomas,
36 Sally Wells and Vicki Kratovil. As Tucker put it,

37
38 I remember Hendershott saying, you know what, we're going to be moving
39 further and further away from what the County Attorney says. I don't give a shit
40 what he says. We're going to do our own thing, we're the Sheriff's Office, we
41 don't have to listen to him, that kind of an attitude. I'm paraphrasing, of course,
42 but that's when I really starting thinking, oh, man. That was kind of like my
43 buffer of sanity here in the progress, because everything we did was day by day
44 instructed by him. (p. 48, Exhibit II42a)

1 During the entire time that Tucker was in the MACE Unit, Hendershott was driving the
2 investigations, and when Lisa Aubuchon came on, the direction of the investigation
3 appeared to be a cooperative effort between Aubuchon and Hendershott. Tucker was
4 receiving directions from both of them.

5
6 Tucker indicated that, when he served in MACE, Hendershott was basically calling all
7 the shots in the investigation. This included the identification of who would be
8 interviewed, when they would be interviewed, and how they would be interviewed. He
9 gave orders about what search warrant were to be written and served, and which judge
10 would sign the search warrants. Hendershott expected reports back regularly on every
11 interview, and on every search warrant. (P.50, Exhibit II42a)

12
13 There was daily interface between Hendershott and the assigned investigators so that
14 Hendershott could receive debriefings on all interviews. It was a very routine, Tucker
15 advises, for Hendershott to go directly to the Detectives in MACE, and bypass the chain
16 of command. Hendershott would have the Detectives performing tasks of which the
17 supervisor, the lieutenant, Bruce Tucker, had no knowledge.

18
19 He described two incidents where he had apparently crossed Hendershott. One had to
20 do with comments that Bruce had made to representatives of the County Attorney's
21 Office that the personnel in the MACE Unit needed to take a break. In that time frame,
22 Brandon Luth's marriage was in jeopardy and Bruce's brother was dying from cancer.
23 Bruce had wanted to take off to be with his brother. Tucker was able later to conclude
24 that persons at the County Attorney's Office had somehow spoken with Hendershott,
25 who was very upset with Tucker, and gave some instructions to Miller to give to Tucker.
26 Tucker described what happened thereafter as follows.

27
28 And Miller walked in and slammed the door and said, you want a fucking
29 vacation, Hendershott told me to tell you to take a permanent God damn vacation.
30 You keep your God damn mouth shut when you're outside of this office. And I
31 thought, oh, my God. I really stepped in it. (P. 52, Exhibit II42a)

32
33 The second incident involving Hendershott had to do with a meeting where Tucker had
34 contested an investigative recommendation that Hendershott had made on the Dowling
35 case, or possibly on the Stapley case. His description of this incident is as follows.

36
37There was one other incident, at one of the MACE meetings on a Wednesday
38 night, in the Executive Conference Room of the Sheriff's Office, on the 19th
39 Floor. Hendershott was seated to my left, he was seated at the head of the table.
40 Around the table were various dignitaries from both offices, either, the Sheriff
41 might have been there, I don't remember. He was there quite often. Andy
42 Thomas might have been there. I'm 99% sure that Andy was there. Sally Wells,
43 Vicki Kratovil, probably (inaudible) and there was a discussion about wiring
44 someone. I want to say it was Sandra Dowling's secretary. You know, this story
45 kind of blends, there were so many things that happened. I don't remember if we

1 were talking about working, if at one point we were talking about working
2 Dowling again, Stapley, or wiring her secretary, I want to think it was wiring
3 Dowling's secretary to get more information on this trading falsification or
4 whatever. And I thought to myself, you know, he's had four confrontation calls
5 and I turned to the Chief, in this meeting, and I said, Chief, I'm not so sure that's
6 a good idea. I thought that I was respected enough that I could speak my mind.
7 And I remember like I still see it like it was yesterday. He turned to me, he
8 always wore glasses, he lowered his glasses to the tip of his nose, and looked at
9 me, glared, and I knew at that point that I was in trouble. And Miller tried to step
10 in and Miller basically was shut down immediately. And Miller called me up
11 later on, he's like, oh, my God, you really stepped in it in that meeting. You
12 should never have spoke. I said, I know. I knew it as soon as I said it. I'm really
13 sorry. And sure enough, he called me back and said, yep, the Chief is totally
14 pissed off. Don't you ever, ever speak against him in a meeting again. No matter
15 what he says in that meeting, it's all for show, just ignore it. Just go with it. I
16 said, I understand, I screwed up. I know I screwed up, you don't have to tell me.
17 And I said to him too, I should never have tried to defend you, but I thought it was
18 the right thing to do at the time. (P.53, Exhibit II42a)

19
20 According to Tucker, working in OCD was extremely difficult for every member of the
21 unit. They made personal sacrifices such as being available at very short notice by the
22 Chief Deputy at any point in time, whether they were on vacation or not, to come in and
23 attend a meeting, or to respond at a moment's notice to investigative requests from
24 Hendershott. Tucker recalled receiving a directive from Hendershott on a weekend.
25 Hendershott wanted members of all the city councils in the east valley interviewed
26 regarding Don Stapley and the path of a freeway. Bruce recalled how frustrating it was
27 to tell his Sergeants and Detectives to get them motivated to do what needed to be
28 done, and to get them to comply with the instructions they had received. As Tucker put
29 it, it was challenging for everyone of them and they tried to do the best that they could.

30
31 One of the members, Brandon Luth, had expressed concerns to Bruce Tucker relating
32 to a statute of limitations issue on one case. Bruce tried to reassure Luth that county
33 attorneys had a better grasp of the law than they did. Bruce felt at the time that the
34 County Attorney's Office gave them some specific instructions it was probably okay
35 because the attorney's "wouldn't put their bar card on the line." (P.22, Exhibit II42b).
36 Luth's concerns related to the Stapley case, on which charges were filed, despite his
37 perceptions of problems with the statute of limitations.

38
39 Tucker indicated that during the time that he worked in MACE, the only investigations
40 the unit worked on were investigations that had been approved and given to them by
41 Hendershott. He did not know how Hendershott came by the information that prompted
42 the investigations, but it appeared to Tucker that Hendershott had some sort of source
43 or informant.

44
45 Terry Young

1
2 When Deputy Chief Terry Young began overseeing IA in September of 2009, he also,
3 on paper, assumed control over MACE. We discussed in the interview the various
4 persons who have worked in MACE, at the supervisory level, and ended up in
5 discussion relating to Ken Holmes. According to Young, Hendershott made it clear that
6 he did not want Holmes involved in IA. When asked why Hendershott did not want
7 Holmes to be supervising IA, Young's response was as follows.

8
9 Ken Holmes has a law degree and everybody knows that about him, so the Chief
10 Deputy's comment was, I don't want to be arguing with this lawyer over what we
11 can and can't do. (p. 38, Exhibit II45a)

12
13 When asked about Hendershott's intimate involvement in MACE, and whether it was
14 unusual for a Chief Deputy to be so intimately involved in investigative activities, Terry
15 Young's response was as follows.

16
17 A: I would say certainly, but it's not outside of his character for sure. His
18 personality and leadership style is such that if he gets involved in something, he's
19 like the consummate corporal. You know what I mean, he wants to be the guy
20 with his hands on and making all the decisions and just right there on top of
21 things. He doesn't want, in other words, going through me to get things done is
22 just, I'm in his way. He just is going to go right to whoever he needs to get to and
23 have it done. So that's not uncommon for him, but it's very unique for any other
24 investigative branch I've ever been a part of in the office. (p. 38, Exhibit II45a)

25
26 Young did not know whether the MACE investigations and prosecutions were politically
27 motivated. He did indicate, however, based on hearsay information that he has
28 received, for example, Lisa Aubuchon suggesting to Richie Burden and others that Don
29 Stapley could be tried in the media. As he put it, "Well, those kinds of things would lead
30 you to believe that the motivation isn't very strongly based on just criminal adjudication."
31 (p. 39, Exhibit II45a)

32
33 Young indicated that he first became aware of this situation in a conversation with Rich
34 Johnson in MACE.

35
36 A: I first became aware of the thought of the search warrant in November,
37 when we were working out at Phoenix International Raceway. Rich Johnson
38 works out there also, and he called and let me know, he said, hey, Chief called
39 and he's been getting fed information from Bob Rampy, and there was some
40 friction in the relationship between the MACE Unit investigators and Bob Rampy,
41 because they felt like Rampy gives the Chief Deputy information that's not
42 always valid or he puts it in a context which makes it seem maybe better or
43 valuable than it is, and then that gets him spun up and he wants the investigators
44 to go do all these things and when they sit down with Bob and look at what
45 they've got, that's not the case after all, so then they have to go back and try and

1 convince him, you know, they're not at a point to do this yet. So that's what was
2 going on there that in November, was the Chief Deputy (inaudible) wanted to get
3 things together and do the search warrant. Rich got with his guys and put together
4 what they actually had and went back to him, were able to convince him, without
5 any involvement from me, that, you know, we need to hold off on this, we're not
6 ready. (p. 44, Exhibit II45a)
7

8 One of the problems was that the investigators in MACE, as Young sees it, had very
9 limited information compared to what Hendershott and Lisa Aubuchon "had in their head
10 that they were putting together from bar complaints and civil actions and all kinds of
11 things that these investigators didn't know anything about." (p. 44, Exhibit II45a)
12

13 Young did not believe that even Rich Johnson had a good command of what was taking
14 place in MACE. As far as Young was concerned, Hendershott was the case agent for
15 all of the MACE investigations, which was atypical for an investigative division. The
16 MACE Unit itself, the Sergeants and Detectives, were "just really investigative tools for
17 this case agent." (p. 45, Exhibit II45a) Young continued.
18

19 A: [H]ere's what's interesting. I'll just take a second to share with you
20 kind of, typically when you have an investigative division, and I know I'm just
21 painting a picture you guys are already aware of. You know, you have the
22 Detectives that are the case agents with their assigned cases; you have a Sergeant
23 that manages them and he gets briefed and they're all up to speed and gives
24 direction and counsel and that kind of thing, but in this case what you real had
25 was a Chief Deputy who was a case agent for all of this stuff. He's the one that
26 had all of the direction and influence and information about this big picture. And
27 the MACE Unit itself was a Sergeant and some Detectives that were just really
28 investigative tools for this case agent. So it's not like they came in and looked at
29 their, the information they had and then strategized and made case decisions and
30 went out and took the appropriate investigative steps and then reported back what
31 they had. Really, the way it kind of ran was, they kind of come in and have
32 coffee and then the phone would ring and the Chief would say, listen, Lisa's got a
33 list of names, here's who they work for, here's the questions we need you to ask
34 them, you know, go out there and ask them these questions specifically, get the
35 answers and let us know what they say. And so they would do a work-up on these
36 people and figure out their addresses and Rich would coordinate who was going
37 to go do which interviews, based on proximity, and those kind of things and they
38 would go out do their interviews, come back, do their summaries, put them
39 together and then the Chief would use that information to further whatever he had
40 going on in this bigger picture that these guys didn't know anything about. (p. 45,
41 Exhibit II45a)
42

43 Another complicating factor was the complexity of these cases, which, Young
44 perceived, Dr. Beverly Owens was particularly adept at organizing.
45

1 When asked about the nature of Hendershott's relationship with Lisa Aubuchon, Young
2 provided the following information.

3
4 A: Most of my perception of their relationship had to do with meetings I was
5 not a part of, and that's just simply because they had so many meetings, just the
6 two of them, behind closed doors, so when you're in a meeting with them, it was
7 so trivial, there was nothing that you get from that meeting, but the fact that they
8 spent so much time in the course of a week huddled up together without anybody
9 else really knowing what was going on, and in fact, probably a number of people
10 you talk to will tell you, there was this two, three week long period where Dave
11 had all these charts and things that were up in his office and he and Lisa had been
12 putting together something, but we weren't allowed to come in his office to see
13 any of this stuff. I mean he'd come to the door and he'd put his hand up to stop
14 you, because he didn't want people coming in and seeing what they had put
15 together. (p. 54, Exhibit II45a)

16
17 When asked who he thought was "directing the MACE cart," Aubuchon or Hendershott,
18 Young commented, "Well, my opinion is, is that I don't think anybody drives Chief
19 Hendershott's cart but him." (p. 54, Exhibit II45a)

20
21 **Larry Black**

22
23 Black indicated that his involvement in MACE, relative to a number of other individuals,
24 was quite minimal. At various points he was asked by Hendershott to review the
25 Peterson case, the Stapley case and the Mary Rose Wilcox case. As he put it, "I did as
26 much as I could do at the time before that was shut down," i.e., when the cases started
27 to go to grand jury. (p. 28, Exhibit II7b) As Black put it, "They wanted me to review to
28 see if there was something that they were seeing that I wasn't, or that they weren't
29 seeing." (p. 28, Exhibit II7b)

30
31 Black acknowledged that these were "gut check" reviews that he did at the request of
32 Chief Hendershott, who was looking for Larry's evaluation of the issues.

33
34 **David Hendershott**

35
36 Hendershott advises that the anti-corruption unit was formed by Sheriff Arpaio and
37 Andrew Thomas. He indicated that the unit has gone through a number of different
38 name changes, and as he put it, "All I know there a unit of guys that work with the
39 County Attorney's Office on political issues." Hendershott acknowledged that he was
40 involved intimately with the activities relating to MACE, and as he put it, "I watched that
41 like a hawk." (p. 51, Exhibit II16c)

42
43 According to Hendershott, the MACE Unit was initially overseen by Captain Jimmy
44 Miller, the IA Commander, because there was a need for security and secrecy.
45 According to Hendershott, Miller did the job for a, "long, long time" and did it very well

1 but then he retired. Specifically, according to Hendershott, "Miller had control of
2 everything, Miller knew exactly what was going on with everything, and it was running
3 like a well oiled machine." (p. 52, Exhibit II16c) Hendershott claimed that Miller did an
4 outstanding job of managing the MACE investigations, went to meetings with the
5 County Attorney's Office, and understood issues. In any event, Hendershott claims that
6 "The issue started when Jimmy Miller retired and it became readily apparent we needed
7 to have someone because I recall there was, Miller had Sergeants reporting to him
8 directly and the team of Detectives so he had to find someone to take his place." (p. 52,
9 Exhibit II16c) When asked about his level of involvement before Miller retired,
10 Hendershott's comments were as follows.

11
12 A: Sure Miller briefed me almost on a daily basis, we would discuss you
13 know how we would proceed, I was intimately involved in the MACE cases
14 because frankly, they're high profile and I wanted to make sure that we were
15 running in a good direction. I also had contact with the prosecutor, I mean
16 literally I attended a lot of these meetings okay so I would be up to speed on it.
17 (pp. 52-53, Exhibit III16c)

18
19 He acknowledged that he was very intimately involved even prior to the time that Miller
20 retired.

21
22 According to Hendershott, he and Miller talked frequently, and Miller provided updates
23 on the investigations. Hendershott made suggestions to Miller about tasks that might
24 be performed, and told Miller of articles that appeared in the newspaper. Hendershott
25 described it as a "very, very tactical time, because tactics were being employed by
26 defense attorneys and they were trying to prevent us from getting any documents and
27 issues, so there was strategies involved in these investigations, frankly I think Miller and
28 I talked about it just about every day." (p. 53, Exhibit II16c) Hendershott acknowledged
29 that, even prior to Miller's retirement, it was he (Hendershott) who was controlling the
30 MACE investigations, although the hands-on guy, Hendershott advises, was Miller. (p.
31 53, Exhibit II16c)

32
33 Hendershott's specific comments in this regard were as follows.

34
35 A: Who was the hands on guy? I would have to say that's Miller. Because
36 he's but I was intimately involved, had a lot of meetings with his group and the
37 County Attorney's office so we could you know work through it but you know I
38 mean these are serious issues that needed to be watched closely. And I would, I
39 in no way want to make it look like I was not responsible directly for the actions
40 of that unit and I think Miller was very cognizant of the fact that I wanted to know
41 just about everything going on and it would be a rare day where he didn't come in
42 and see me, usually come in and see me or call me and tell me what was going on.
43 Sometimes he would call me three and four times a day to just keep me aware
44 because a lot of this stuff was being hashed out in the media and there was oh

1 there was actions by criminal defense attorneys and what we viewed as
2 obstruction issues and how to handle them.... (p. 53, Exhibit II16c)

3
4 According to Hendershott, when Miller retired, for a short period of time the Sergeants
5 were reporting directly to Hendershott, which proved to be a nightmare for him, because
6 the Sergeants needed more guidance, and his time was very limited. Hendershott
7 indicated that his role increased after Miller left.¹³ According to Hendershott, as a "stop
8 gap" he put Freeman and Knight over MACE, because he knew that Bill Knight had
9 experience in investigations, and was indeed running General Investigations in that
10 timeframe. Hendershott also mentioned that the Deputies in MACE were not seasoned
11 Detectives, but they were good Deputies who knew how to conduct investigations. He
12 considered Sergeants Luth and Johnson to be seasoned Detectives. Hendershott
13 believe that Sheriff Arpaio and Andy Thomas wanted to take a number of seasoned
14 Detectives out of General Investigations, which Hendershott believes would have hurt
15 General Investigations. He did not believe that any of the Detectives in MACE had
16 written a search warrant until they came to MACE, but Johnson and Luth helped them.
17 Hendershott's perception was that with the guidance of the County Attorney's Office,
18 good deputies could do the work. According to Hendershott, he let the Sergeants (Luth
19 and Johnson) pick the people that they knew were "good people to come into the unit."
20 As Hendershott put it, "I really didn't weigh in who at all." (p. 54, Exhibit II16c)
21 Hendershott denied that MACE was formed because of political considerations. (p. 55,
22 Exhibit II16c) He also denied that MACE was formed to, specifically, get back at the
23 opponents of either Andy Thomas or Sheriff Arpaio.

24
25 Hendershott was informed by the PCSO team that, according to information that had
26 been received (from Miller and others), after Freeman and Knight were brought in as a
27 "stop gap" measure, Miller was brought back in to oversee MACE again. Hendershott's
28 explanation is that Miller did not resume oversight of MACE. Specifically, his comments
29 were as follows.

30
31 A: My recollection is Miller ran MACE until, I mean and I may be wrong
32 there may have been a time period when Miller was I don't know, busy or
33 something, my recollection is Miller ran MACE until he retired. Now if I'm
34 wrong and it was a period of time and frankly if there was for whatever reason I
35 don't know but I know I guess what I'm expressing is when he left a whole lot of
36 skill went out the door and the problem is, is these investigations were already
37 underway I want to say for a couple of years okay as I, I mean it was like stack
38 and boxes and I mean historically everybody knows that these big cases, it's so
39 difficult for a new Commander to come in and understand. And I'll confess I tend
40 to be very mission oriented. I love my people, I love that they work for me, but I
41 truly believe that if you keep people working and you keep them on task they first

¹³ Miller has an entirely different account of his involvement in MACE. Miller wanted out of MACE, and was relieved of MACE responsibilities briefly and replaced by Freeman and Knight, but they were relieved of oversight of MACE, which was returned to Miller's supervision. Miller did not retire from MCSO until July of 2009, after serving as the IA Commander for 5 years.

1 off they complain less you know that's a true thing, this was something that there
2 was a big hole when Miller left and I do remember putting them in at least for a
3 stop gap with the prior caveat that if for a period of time Miller was by himself
4 and something else occurred and maybe for period of time Black, I'm sorry
5 Black, Knight or Freeman or whatever took it and Miller was back or done seems
6 you know, I'm going to say it seems to me when you said that, it seems to me that
7 at some point I had a meeting with Miller and I don't remember why but I had a
8 meeting with Miller and I said Jimmy you got to come back because this is a
9 disaster without you running it and I don't remember why that occurred but I
10 remember, well maybe I do a little bit. But I didn't think that it was while Miller
11 was here, when MACE, when Miller left and Freeman and Knight had it, it was
12 like this huge information void to me that in other words, I didn't have the daily
13 briefings and I did not have a comfort zone because I no longer knew what was
14 going on. (p. 57, Exhibit II16c)

15
16 Hendershott acknowledged that he was "extremely active" in the MACE investigations.
17 When asked whether Hendershott was essentially functioning as a "case agent," he
18 denied this characterization, but did acknowledge that he directed the investigations,
19 and knew more about the cases than the Deputies who were doing the investigations.

20
21 A: Well I will tell you I wasn't the case agent but I will tell you I directed
22 those investigations and I want to say that I knew more than the Deputies that
23 were doing it because we, there's a, I don't know I call it, man power chunking,
24 you have this huge investigation going on and we had a series of lawsuits and I
25 will tell you for sure let's say for example, let's say that there's eight Deputies.
26 Something would happen in a lawsuit that I knew was related to one of the
27 MACE cases and I would relay, well when Miller was gone for a short time I
28 would talk to Johnson or Luth to get something done. But I assure you that the
29 Deputies that were working the case didn't know what I knew and there was so
30 many moving parts because I want to say there was like nine lawsuits and
31 everyone of them had an impact on the MACE investigations because it
32 essentially the Board of Supervisors was using their political influence and tax
33 payer dollars to protect themselves from what to me was criminal activity. And
34 so but, let's just say to use an example maybe we pick this guy and he would go
35 out and have to interview somebody about a specific thing, but he would have no
36 idea what I may have been told by Loretta Barkell or because there were issues
37 where the county didn't pay our lawyers. You know but he didn't know maybe I
38 know specifically one issue was is it was on a donation, and it was ultimately, and
39 it did turn out the way we thought, it was a surreptitious donation by a computer
40 company called Calence okay that the board called a donation and it was not a
41 donation. (p. 58, Exhibit II16c)

42
43 Basically, Hendershott was asserting that he "had the whole picture, they [the personnel
44 in MACE] had pieces of the picture." (p. 58, Exhibit II16c)

1 Hendershott denied that there were ever any political motivations employed in the
2 selection of the persons who were going to be the subject of investigations by the
3 MACE Unit.

4
5 Hendershott indicated that, at the same time that he brought in Freeman and Knight as
6 a "stop gap measure," he brought in Lieutenant Rich Burden, in an effort to find a
7 replacement for Miller. There was another Sergeant that he also brought into MACE for
8 a short period of time, and there may have been a third Lieutenant also for a short
9 period of time. These individuals were Burden, Fred Aldorasi, and third Lieutenant, who
10 only served for four days.

11